IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3750 OF 2004

IN

SUIT NO. 3613 OF 2004

M/s.Candes & Kunder Construction & Anr..Plaintiffs

versus

Dr.Mrs.Celine Desa & Anr. .. Defendants

...

Mr.D.H. Mehta i/b N.M. Shah for the plaintiff.

Ms.Samant i/b HSS Murthy for the defendant no.2.

Mr.A. Dasgupta i/b Jhangiani Narula for the defendant no.1.

CORAM : D.G. KARNIK,J.

DATED : 28th March 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. In view of the fact that third party interest have already been created, this motion has become infructuous. At the request of the learned counsel

for the plaintiffs, allowed to be withdrawn with liberty to take out a fresh motion for appropriate reliefs.

3. Motion disposed of.

D.G. KARNIK, J